

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**DEBBIE GODWIN,
Executrix,**

Plaintiff,

vs.

FACEBOOK, et al.,

Defendants.

) **CASE NO. 1:18 CV 410**

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)

) **JUDGE DAN AARON POLSTER**

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) **MINUTES OF TELECONFERENCE**

) **and**

) **REMAND ORDER**

)

Plaintiff Debbie Godwin filed this wrongful-death action as the executrix of her deceased father's estate in the Cuyahoga County Court of Common Pleas, CV-18-891841, against Defendants Facebook, Inc., Facebook Payments, Inc., Facebook Services, Inc., Atlas Solutions, LLC, Crowdtangle, Inc. (collectively the "Facebook Defendants") and Brenda D. Joiner-Haymon, Executrix of the Estate of Steve W. Stephens (the "Stephens Estate"). The Facebook Defendants then removed the case to this Court on the basis of diversity jurisdiction. *See* Notice of Removal, Doc. #: 1. In their Notice, the Facebook Defendants claim that federal diversity of citizenship exists because the Stephens Estate is not a proper party in the lawsuit. Notice ¶ 6.

They allege that Plaintiff has no likelihood of recovery against the Stephens Estate because the Stephens Estate has no assets. *Id.* The Application for Authority to Administer Estate (the “Application”) attached as Exhibit B to the Complaint lists the assets of the Stephens Estate as \$0.00. *See* Compl. Ex. B. The Facebook Defendants further allege that Ms. Joiner-Haymon is not a proper administrator of the Stephens Estate because she is the daughter of the Deceased. Notice ¶ 6.

The Court convened a scheduled teleconference on February 26, 2018 to determine whether this case was properly removed. Attending the teleconference were Plaintiff’s attorneys Andrew A. Kabat, Daniel P. Goetz, R. Eric Kennedy, and Shannon J. Polk, the Facebook Defendants’ attorneys Craig S. Primis, K. Winn Allen, and Kip T. Bollin, Facebook, Inc.’s Associate General Counsel Natalie Naugle, and Defendant Brenda D. Joiner-Haymon. The Court inquired into Ms. Joiner-Haymon’s relationship with the Deceased and she confirmed that she is Mr. Robert Godwin, Sr.’s daughter. The Court informed the parties that, should the case proceed, the Stephens Estate would need a new administrator because Ms. Joiner-Haymon could recover from any judgment rendered against the Stephens Estate. The Court then inquired into whether any assets had since been located in the Stephens Estate. Ms. Joiner-Haymon answered that assets had been located since the Application was filed with the Probate Court of Summit County, Ohio. As such, the Court directed Plaintiff’s counsel to file an affidavit with the Court stating that: (1) an amended application will be filed with the Probate Court listing the newly-located assets in the Stephens Estate and (2) a new administrator will be appointed to the Stephens Estate that has no familial relationship with the Deceased. Accordingly, the Stephens Estate is a proper party to the lawsuit and diversity of citizenship does not exist among the

parties. Thus, the Court lacks subject matter jurisdiction and this case is hereby **REMANDED** to the Cuyahoga County Court of Common Pleas.

IT IS SO ORDERED.

/s/ *Dan A. Polster* February 26, 2018
Dan Aaron Polster
United States District Judge